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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,117	01/30/2002	Mitchell B. Oliver	020229	9924
	7590 06/11/200 INCORPORATED	9	EXAMINER	
5775 MOREHO	OUSE DR.		NGUYEN, NGA B	
SAN DIEGO, CA 92121			ART UNIT	PAPER NUMBER
			3692	
			NOTIFICATION DATE	DELIVERY MODE
			06/11/2009	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com kascanla@qualcomm.com nanm@qualcomm.com

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/062,117	OLIVER ET AL.	
Examiner	Art Unit	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 18 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of the application, applicant must smely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time perfods:  a) ☐ The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  Examiner Note: (Box 1: schecked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of eletermining the period of extension and the corresponding amount of the file. The appropriate extension fee have been filed is the date for purposes of eletermining the period of extension and the corresponding amount of the file. The appropriate extension fee have been filed is the date for purposes of eletermining the period of extension and the corresponding amount of the file. The file of		Tiga B. Higayon	0002	
<ul> <li>1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of the application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or or evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</li> <li>a) ☐ The period for reply expires</li></ul>	The MAILING DATE of this communication app	ears on the cover sheet with the d	correspondence address	
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b)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of App for Continued Examination (RCE) in compliance with 37 (	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, which places the with 37 CFR 41.31; or (3) a Request	
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If No. 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.13(s), 1 The date on which the petition under 37 CFR 1.13(s) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.13(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action, or (2) a set forth in (b) above, if checked. Any reply received by the office later than three months after the mailing date of the final rejection, even if timely filed within the months of the final rejection, even if timely filed NOTICE OF APPEAL.  Calculated any semend patent term adjustment. See 37 CFR 1.704(b).  The Notice of Appeal was filed on	a) The period for reply expiresmonths from the mailin	g date of the final rejection.		
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (5) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(m)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise new issues that would require further consideration and/or search (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.16 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.136 and 41.33(a)).  5. Applicant's reply has overcome the following rejection(s):  6. Mewly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment (PTOL-324).  7. For purposes of appeal, the proposed amendment(s): a) would be allowable or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected	no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or	later than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection.	
2.	Extensions of time may be obtained under 37 CFR 1.136(a). The date nave been filed is the date for purposes of determining the period of exampler 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office laternay reduce any earned patent term adjustment. See 37 CFR 1.704(b)	on which the petition under 37 CFR 1.1 stension and the corresponding amount on shortened statutory period for reply origing than three months after the mailing dat	of the fee. The appropriate extension fee nally set in the final Office action; or (2) as	ì
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<ul> <li>AFFIDAVIT OR OTHER EVIDENCE</li> <li>8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> </ul>	how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <u>1-3, 5, 6 and 8-21</u> .		I be entered and an explanation of	
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REQUEST FOR RECONSIDERATION/OTHER	entered because the affidavit or other evidence failed to	overcome <u>all</u> rejections under appea	al and/or appellant fails to provide a	
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:	· · · · · · · · · · · · · · · · · · ·	on of the status of the claims after er	ntry is below or attached.	
<u>-</u>	1. The request for reconsideration has been considered by	ut does NOT place the application in	condition for allowance because:	
12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s)  13. Other:		(PTO/SB/08) Paper No(s)		
/Nga B. Nguyen/		/Nga B. Nguven/		
Primary Examiner, Art Unit 3692			nit 3692	

Continuation of 3. NOTE: The new claims added required examiner performs further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: The examiner's responses to the applicant's arguments are fully described in the Final office action.

/Nga B. Nguyen/ Primary Examiner, Art Unit 3692